IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 4112 of 2005

Between:

Sk. Khaja Masthan S/o. Shaik Masthan
Aged 41 years, Occu: Secretary,

Kudumuladinnepadu PACS,

Vinjamur Mandal, Nellore District.

..... PETITIONER

AND

1. The Commissioner for Cooperation/ Registrar of Coop.

Societies, Government of A.P. Hyderabad.
2. The District Cooperative Officer, Nellore District at Nellore.
3. The Divisional Coop. Officer, Kavali, Nellore District.
4. The Kudumuladinnepad PACS, Vinjamur Mandal, Nellore

District represented by its Chairman/PIC.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the 4th respondent in issuing the impugned proceedings dt. 7-2-2005 and further action of the respondents 1 to 3 in not taking any action against the 4th respondent in spite of his irregularities/misappropriation as highly illegal, arbitary and violative of Art. 14 of the

Constitution of India and also contrary to the provisions of A.P. Cooperative Societies Act and Rules made there under and consequently set aside the same.

Counsel for the Petitioner: MR.G.V.SHIVAJI APPEARING FOR SMT.S.HEMALATHA

Counsel for Respondents: GP FOR COOPERATION

The Court, at the stage of admission, made the following:

ORDER:

This writ petition is filed seeking a mandamus to declare the action of the fourth respondent in placing the petitioner under suspension by an order dated 07-02-2005, as he was alleged to have misappropriated an amount of Rs.4,18,169/-, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation and perused the material on record.

The petitioner submitted a representation before the first respondent challenging his suspension and an appropriate decision has to be taken by the first respondent in accordance with law.

Therefore, without entering into the merits of the case, I consider it appropriate to direct the first respondent to take appropriate decision on the representation dated 23-02-2005 submitted by the petitioner, in accordance with law, within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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03-03-2005.

Note:

Issue CC tomorrow.

B/o

Lrkm.

To

1. The Commissioner for Cooperation/ Registrar of Coop.

Societies, Government of A.P. Hyderabad.
2. The District Cooperative Officer, Nellore District at Nellore.
3. The Divisional Coop. Officer, Kavali, Nellore District.
4. The Chariman/PIC, The Kudumuladinnepad PACS, Vinjamur

Mandal, Nellore District.
5. 2 CCs to the Government Pleader for Cooperation, High

Court Buildings, High Court of A.P., Hyderabad (O.U.T).

6. CD copies.

*Form-NIC-OGS/WP{**VSMI**}*